

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariel Courage	Team: Team # 5	CCRB Case #: 201309963	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/20/2013 2:10 AM	Location of Incident: E. 152nd Street and Westchester Avenue; E. 152nd Street and Jackson Avenue		Precinct: 40	18 Mo. SOL 4/20/2015	EO SOL 4/20/2015
Date/Time CV Reported Mon, 10/21/2013 2:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/23/2013 1:03 PM		

Complainant/Victim	Type	Home Address

[illegible]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Ritchie Baez	10754	934440	040 PCT
3. SGT Kandou Worley	05477	945113	040 PCT
4. POM Argenis Rosado	00837	949573	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Edwin Rivera	08562	942436	040 PCT
2. SGT Ronaldy Ventura	02373	944298	040 PCT
3. POM John Zorrilla	22991	933511	PSA 7
4. SGT Eric Berrios	00337	921149	PSA 7
5. POM Dennis Moss	25884	932188	PSA 7
6. POM Calixto Foster	08709	917640	PSA 7
7. POM Erick Reyes	13244	952161	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
8. POF Doreyda Munoz	17104	952039	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Kandou Worley	Force: At the intersection of 152nd Street and Westchester Avenue in the Bronx, Sgt. Kandou Worley used physical force against § 87(2)(b)	
B.POM Ritchie Baez	Force: At the intersection of 152nd Street and Westchester Avenue in the Bronx, PO Ritchie Baez used physical force against § 87(2)(b)	
C. Officers	Force: At the intersection of 152nd Street and Westchester Avenue in the Bronx, officers used physical force against § 87(2)(b)	
D. Officers	Discourtesy: At the intersection of 152nd Street and Westchester Avenue in the Bronx, officers spoke rudely to individuals.	
E.POM Argenis Rosado	Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, PO Argenis Rosado used physical force against § 87(2)(b)	
F. Officers	Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, officers struck § 87(2)(b) with nightsticks.	
G. Officers	Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, officers used physical force against § 87(2)(b)	

Case Summary

On October 20, 2013, § 87(2)(b) and § 87(2)(b) filed a complaint with IAB by telephone (encl. 3D-G)]. These complaints were referred to the CCRB on October 23, 2013. On October 20, 2013, at approximately 2 a.m., numerous officers from PSA 7 and the 40th Precinct responded to a party at § 87(2)(b) in the Bronx. The following allegations resulted:

Allegation A – Force: At the intersection of 152nd Street and Westchester Avenue in the Bronx, Sgt. Kandou Worley used physical force against § 87(2)(b)

Allegation B – Force: At the intersection of 152nd Street and Westchester Avenue in the Bronx, PO Ritchie Baez used physical force against § 87(2)(b)

Allegation C – Force: At the intersection of 152nd Street and Westchester Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(g)

Allegation D – Discourtesy: At the intersection of 152nd Street and Westchester Avenue in the Bronx, officers spoke rudely to individuals. § 87(2)(g)

Allegation E – Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, PO Argenis Rosado used physical force against § 87(2)(b) § 87(2)(g)

Allegation F – Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, officers struck § 87(2)(b) with nightsticks.

Allegation G – Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(g)

This case was not eligible for mediation.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is a Hispanic female, 5'1" tall, 145 pounds, with black hair and brown eyes. § 87(2)(b)*

CCRB Statement

§ 87(2)(b) was interviewed at § 87(2)(b) at Rikers Island on November 26, 2013 (encl. [3L-Q]). On October 20, 2013, at approximately 2 a.m., § 87(2)(b) attended a party at a location she did not know but which was determined by the investigation to be an apartment inside § 87(2)(b) in the Bronx, part of the St. Mary's NYCHA

development. § 87(2)(b) estimated that 40 people attended. Music was played at the party. § 87(2)(b) was not intoxicated on any substance and did not believe other attendees were. § 87(2)(b) heard knocking at the apartment door. A female individual, whose name § 87(2)(b) provided as § 87(2)(b) opened the door. There were two officers. One of them § 87(2)(b) described as a black male with caramel complexion, 5'9" tall, 34 to 35 years old, with slim build, and who was uniformed. This officer was identified by the investigation as PO Calixto Foster of PSA 7. The second officer, who § 87(2)(b) could not describe, was identified by the investigation as PO Dennis Moss, also of PSA 7. PO Moss said, "Everyone has to leave this apartment." § 87(2)(b) replied, "No, they don't. This is my mother's apartment and she's not here and you don't have a warrant so you can't come in. I'm not going to let you in." § 87(2)(b) shut the door. PO Moss said through the door, "I'm going to lock up everyone in this house when I open up the door." § 87(2)(b) recognized his voice. The officers opened the door and PO Moss fully entered the apartment. § 87(2)(b) did not see how he managed to open the door. PO Moss pushed § 87(2)(b) backwards by her shoulders and pepper sprayed her in the apartment. § 87(2)(b) did not remember what precipitated PO Moss using the pepper spray. Immediately thereafter, § 87(2)(b) left the apartment. Other civilians began to leave as well.

When § 87(2)(b) arrived downstairs, she saw numerous marked police vans, three marked police vehicles, and more than 20 uniformed police officers. There were several officers in plainclothes in addition to the officers in uniform. Numerous civilian gathered in the lobby and immediately outside of § 87(2)(b). Immediately in front of the building, an acquaintance of § 87(2)(b)s, § 87(2)(b) began to fistfight with an individual known to § 87(2)(b) only as "§ 87(2)(b)". Several other partygoers tried to break up the fight. § 87(2)(b) knew that police officers broke up the fight, but did not see how they did so and could not describe them.

While inside the lobby, § 87(2)(b)s friend, § 87(2)(b) started to fight with an officer who § 87(2)(b) could not describe. § 87(2)(b) could not remember if the fight was verbal or physical. She could not remember how the fight began. The officer, who she described only as a plainclothes male, pepper sprayed § 87(2)(b) § 87(2)(b) grabbed § 87(2)(b) and left the building, walking across Westchester Avenue and down Jackson Avenue to reach a Kennedy Fried Chicken restaurant at the corner of E. 152nd Street and Jackson Avenue. § 87(2)(b) intended to get water and a tissue with which to rinse out § 87(2)(b)s eyes. As they walked to the Kennedy Fried Chicken, she saw PO Foster, who by this time was outside of the building, tackle an individual she knows only as "§ 87(2)(b)" to the ground after he protested that he had nothing to do with the fight. PO Foster handcuffed "§ 87(2)(b)" who did not want to be handcuffed, though § 87(2)(b) could not elaborate upon what he did to avoid being handcuffed. A second fistfight broke out in the middle of Westchester Avenue, obstructing vehicular traffic, which § 87(2)(b)s friend § 87(2)(b) was attempting to break up. When officers attempted to break up the fight, § 87(2)(b) told them to "mind [their] business." Three uniformed male officers, none of whom § 87(2)(b) could describe, grabbed § 87(2)(b) by her arms, threw her face first on the floor, and handcuffed her. § 87(2)(b) sustained a cut or scrape to her lip from falling to the ground.

After § 87(2)(b) handed a tissue to § 87(2)(b) outside of the Kennedy Fried Chicken, an officer approached § 87(2)(b) and handcuffed him. § 87(2)(b) could not describe this officer except as a plainclothes male. § 87(2)(b) would not let the officer handcuff him. § 87(2)(b) was unable to describe how § 87(2)(b) resisted or how he was handcuffed. § 87(2)(b) who was with her friends § 87(2)(b) and § 87(2)(b) were walking away from § 87(2)(b) when an officer, described only as a male wearing a black hoodie and sweatpants, and who remains unidentified, grabbed her by the strap of her purse and her hair from behind without identifying himself as a police officer. § 87(2)(b) thought she was being robbed, turned, and pushed the plainclothes officer in the chest. Five uniformed police officers, only three of whom § 87(2)(b)

could describe, grabbed her by her arms. One of these officers, described as a uniformed Hispanic male with average build, 5'5" to 5'6" tall, 49 to 50 years old, with a gray moustache, and who was identified by the investigation as PO Ritchie Baez of the 40th Precinct, knelt § 87(2)(b) in her stomach, which caused a bruise. Later at the stationhouse § 87(2)(b) suffered vaginal bleeding, which she believed PO Baez caused. § 87(2)(b) and § 87(2)(b) screamed, "She's pregnant!" § 87(2)(b) jumped onto the back of a uniformed dark-skinned black male officer, who was identified by the investigation as Sgt. Kandou Worley of the 40th Precinct. Sgt. Worley handcuffed § 87(2)(b) without incident. PO Baez, Sgt. Worley, and a uniformed light-skinned Hispanic female officer, who remains unidentified, pushed § 87(2)(b) to the ground front-first, causing bruises to her knees and right arm. § 87(2)(b) repeatedly said, "I didn't do nothing! I'm pregnant!" PO Baez repeatedly pushed on § 87(2)(b)'s back, causing her stomach to strike the floor. The female officer knelt down with her knees on top of § 87(2)(b)'s legs to hold them in place and then handcuffed her. § 87(2)(b) denied resisting arrest, but acknowledged that she held her hands beneath her body over her pregnant stomach to protect it, and would not stop moving despite the female officer's orders to keep still. PO Baez and the female officer lifted § 87(2)(b) from the ground. § 87(2)(b) was dizzy and fell forward again. PO Baez lifted her to stand once more and brought her to a police vehicle. He pushed § 87(2)(b) front-first against the rear door of the police vehicle before lodging her inside the vehicle and transporting her to the 40th Precinct stationhouse.

Once there, several officers commented to § 87(2)(b) "Oh, we got a wanted poster for you! That's the girl we've been looking for." § 87(2)(b) knew she was wanted for § 87(2)(b) at the time of this incident. § 87(2)(b) never requested medical treatment or complained of her injuries at any point, either at the stationhouse or at Central Booking.

Victim: § 87(2)(b)

- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is a black male, 5'8" tall, 175 pounds, with black hair, brown eyes, and glasses. § 87(2)(b)*

CCRB Statement

§ 87(2)(b) provided a telephone statement on January 8 (encl. [3R-S]) and in-person on January 29, 2014 (encl. [3T-Z]). § 87(2)(g)
§ 87(2)(b) did not know the location of the party or its host, except by her first name, § 87(2)(b). § 87(2)(b) drank one mixed alcoholic beverage at the party. § 87(2)(b) did not feel intoxicated. Other party attendees were drinking. § 87(2)(b) left with several other people after officers who he could not describe came and ordered all guests to leave. The music at the party had been turned off before § 87(2)(b) opened the door to the officers. § 87(2)(b) did not see officers come inside the apartment or pepper spray § 87(2)(b) and did not hear them threaten to arrest any of the party attendees.

When § 87(2)(b) and § 87(2)(b) began fighting downstairs, several uniformed officers who § 87(2)(b) could not further describe grabbed each of them and brought them to the ground. § 87(2)(b) saw unidentified officers hit § 87(2)(b) in the head with their nightsticks and punch § 87(2)(b). § 87(2)(b) who was attempting to break up the fight, was pepper sprayed, brought to the ground, and handcuffed by an unknown number of unidentified officers. § 87(2)(b) was arrested for "speaking her mind," but § 87(2)(b) did not see any physical force used against her. Civilians became upset, yelled, and screamed. § 87(2)(b) did not know § 87(2)(b)'s contact information or full name.

§ 87(2)(b) moved away from the St. Mary's Development and stood on Westchester Avenue, underneath the train station, near § 87(2)(b) and with several other civilians who he

§ 87(2)(b) saw multiple unidentified officers who he could not describe striking his acquaintance, § 87(2)(b) on his hands and face with nightsticks after bringing him to the ground. § 87(2)(b) saw two uniformed police officers who he could not describe grab § 87(2)(b) by her arms and handcuff her. She was not brought to the ground. No officer grabbed her by the hair (in his telephone statement, § 87(2)(b) said did not witness § 87(2)(b)'s apprehension, but heard civilians screaming that she was pregnant). § 87(2)(b) heard multiple officers who he could not describe say, "Shut the fuck up," "Get the fuck out," and, "You gotta get the fuck back," to several civilians on scene, but he could not describe the officers who said this and did not know to whom the profanity was directed. § 87(2)(b) was transported to the 40th Precinct stationhouse and was released with a summons, which was handed to him by a black male uniformed officer, 6'4" tall, in his 30s, who he did not remember seeing at the scene, and who remains unidentified. § 87(2)(b) could not describe the officers who transported him to the stationhouse and did not know if they were involved in apprehending him.

- § 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

When § 87(2)(b) arrived at E. 152nd Street and Westchester Avenue, she observed approximately 15 uniformed male police officers on scene. She did not remember any female officers or plainclothes officers. Traffic was obstructed by the police activity. § 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

PO Baez, followed by a uniformed, dark-complexioned Hispanic male officer, identified by the investigation as Sgt. Kandou Worley, an unidentified Hispanic male officer who § 87(2)(b) could not describe further, and a white male officer who remains unidentified, approached § 87(2)(b). § 87(2)(b) saw that officers were approaching her and began walking southbound from Westchester Avenue to Jackson Avenue. When § 87(2)(b) was on E. 152nd Street in front of a bakery at the corner with Jackson Avenue, PO Baez came within a few feet of her. § 87(2)(b) turned, threw her purse onto the ground, and punched him in the face.

PO Baez responded by grabbing § 87(2)(b) around her left bicep. § 87(2)(b) began violently resisting by moving her arm and torso back and forth. She attempted to shove and elbow PO Baez away. § 87(2)(b) began screaming, "I'm pregnant!" Two of § 87(2)(b)'s male friends and a female friend, § 87(2)(b), § 87(2)(f) attempted to interfere in her arrest by fighting with the police officers. All three were eventually handcuffed, but § 87(2)(b) did not see how or by which officers because she was focused so intently upon the arrest of § 87(2)(b). She thought Sgt. Worley and the two unidentified officers also grabbed § 87(2)(b) by her arms. She estimated that the struggle to handcuff her lasted approximately five to 10 minutes. § 87(2)(b) was never pulled by her hair or purse, was never kned in the stomach, and was never brought to the ground. Once § 87(2)(b) was handcuffed, § 87(2)(b) left and saw nothing further on scene. § 87(2)(b) never saw the apprehension of any individual matching § 87(2)(b)'s description.

§ 87(2)(b) never saw any officers striking civilians with nightsticks, or any officers with their nightsticks drawn. § 87(2)(b) did not see officers pepper spray any civilians or any civilians showing signs of having been pepper sprayed. She did not see any civilians with any injuries or hear officers using profanity.

Complainant/Witness: § 87(2)(b)

Complainant/Witness: § 87(2)(b)

Witness: § 87(2)(b)

- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) a Hispanic female, is § 87(2)(b)'s acquaintance.*
- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) a Hispanic male, is § 87(2)(b)'s friend. He is not related to § 87(2)(b).*
- *At the time of this incident, § 87(2)(b) a Hispanic female, was § 87(2)(b) old. § 87(2)(b) is § 87(2)(b)'s younger sister.*

Statements to IAB (encl. [3AH-AJ; 3AN-AO])

§ 87(2)(b) and § 87(2)(b) filed complaints with IAB by phone on October 20, 2013.

§ 87(2)(g)

CCRB Statements (encl. [3AK-AL; 3AP-AQ; 3AR])

§ 87(2)(b) provided a telephone statement on October 29, 2013, § 87(2)(b) provided one on January 13, 2014, and § 87(2)(b) provided one on November 8, 2013. None of them knew the location of the party, but all said it was hosted by a girl named § 87(2)(b) whose contact information they could not further provide. § 87(2)(b) acknowledged that he had a few alcoholic beverages but did not feel tipsy.

§ 87(2)(b) said that when PO Foster and PO Moss arrived, she opened the door and spoke to them outside of the apartment in the hallway. They told her a noise complaint had been filed and that they wanted to speak to the owner of the apartment. § 87(2)(b) told them § 87(2)(b) was the daughter of the owner and had permission from her to host the party, that no one was drinking, and that she would turn down the music. PO Foster said, "We want everyone out." § 87(2)(b) came to the door and said, "You don't have a warrant," and slammed it shut. § 87(2)(b) was shut out of the apartment with the officers. PO Moss called for additional officers. After a few minutes of waiting, the door opened and guests began to leave, as did § 87(2)(b) § 87(2)(b) did not see officers enter the apartment. When § 87(2)(b) went downstairs, she heard numerous officers screaming, "Move!" and, "Get out of the building." § 87(2)(b) and § 87(2)(b) said the party was broken up by police officers, but they could not describe them and never saw them enter the apartment.

When § 87(2)(b) left the building, he began a fist fight with § 87(2)(b). A uniformed Hispanic male officer, 5'7" tall, with slim build, and identified by the investigation as PO Edwin Rivera of the 40th Precinct, pulled on § 87(2)(b)'s shoulder and brought him face-down on the ground. § 87(2)(b) sustained a gash to his hand from falling on the ground. A second uniformed male Hispanic officer, identified by the investigation as PO Boris Salamea, also of the 40th Precinct, approached § 87(2)(b). Unknown officers, potentially including PO Rivera and PO Salamea, hit § 87(2)(b) with nightsticks on his ribs and face, causing bruises. § 87(2)(b) could not describe the officers who did this or say how many of them there were. § 87(2)(b) curled up into a ball. Officers then placed him in handcuffs. § 87(2)(b) did not see what occurred with the civilians standing around him, but he heard screaming and described the scene as chaotic. § 87(2)(b) and § 87(2)(b) both said they attempted to break up the fight between § 87(2)(b) and § 87(2)(b). § 87(2)(g) saw two to three officers, none of whom she could describe, tackled § 87(2)(b) to the ground and struck him repeatedly in the face and torso with nightsticks. An officer who § 87(2)(b) could not describe discharged pepper spray over the crowd.

As she walked away from the scene, § 87(2)(b) saw two uniformed Hispanic police officers grab § 87(2)(b) by both arms and bring her face-down to the ground. § 87(2)(b) attempted to intervene because § 87(2)(b) was four months pregnant and two uniformed officers who she could not otherwise describe slammed her to the ground and handcuffed her. § 87(2)(b) was released from the scene with a summons. § 87(2)(b) confirmed that she saw multiple officers grab § 87(2)(b) and § 87(2)(b) and bring them face-first to the ground. § 87(2)(b) was again not able to describe these officers. § 87(2)(b) then walked away from the scene and did not further see what occurred.

§ 87(2)(b) said that once he was handcuffed, PO Rivera and PO Salamea placed him in a marked police vehicle. § 87(2)(b) became upset that he was being arrested and cursed. Although § 87(2)(b) did not remember doing this, PO Salamea later informed him that § 87(2)(b) kicked him. PO Rivera then held § 87(2)(b) by his shoulders while PO Salamea punched him four or five times in his ribs (in his statement to IAB, § 87(2)(b) said PO Rivera placed him in a chokehold, and that both PO Rivera and PO Salamea punched him). § 87(2)(b) went to § 87(2)(b) for treatment for his injuries.

On January 22, 2014, § 87(2)(b) missed a scheduled appointment to provide an in-person statement. Between January 8 and February 3, 2014, five calls and two letters were sent to § 87(2)(b) who to date has not contacted the CCRB to schedule a second appointment. On November 8 and 22, 2013, § 87(2)(b) missed two scheduled appointments to provide an in-person statement without calling to cancel or reschedule. § 87(2)(b) missed a scheduled appointment on November 14, 2013, without providing cancellation notice. Between October 31 and November 30, 2013, five calls and two letters were placed to § 87(2)(b) who to date has not contacted the CCRB to schedule a second appointment.

Witness: § 87(2)(b)

Witness: § 87(2)(b)

Witness: § 87(2)(b)

- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is § 87(2)(b)'s boyfriend.*
- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is § 87(2)(b)'s friend.*
- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is a friend of § 87(2)(b).*

CCRB Statements (encl. [3AS-AT; 3AU-AW])

§ 87(2)(b) and § 87(2)(b) provided telephone statements on December 20, 2013 and § 87(2)(b) provided one on January 8, 2014. § 87(2)(b) and § 87(2)(b) did not know the location of the party or the host except as § 87(2)(b). Though § 87(2)(b) did not know the building number, she thought the party was held in apartment § 87(2)(b). § 87(2)(b) said that when § 87(2)(b) answered the knocks on the door, she told the three officers that they could not come in unless they had a warrant and shut the door. § 87(2)(b) said the music was turned off before § 87(2)(b) opened the door. One of the officers, who § 87(2)(b) and § 87(2)(b) described as a dark-skinned black male, 6'1" to 6'2" tall, with muscular build, a moustache, and an Afro, who was identified by the investigation as PO Moss, put his foot into the door to prevent § 87(2)(b) from closing it and said, "Tell everybody to get the fuck out." § 87(2)(b) said the other two officers were uniformed white males who she could not describe. § 87(2)(b) did not otherwise see officers in the apartment, but later saw § 87(2)(b) outside the party complaining that she had been pepper sprayed. As § 87(2)(b) left the party, an officer, described as a uniformed stocky Hispanic male in his 30s, approximately 5'6" tall, who remains unidentified, pushed her on her right arm and said, "Get the fuck out of my way."

When they arrived outside the building, § 87(2)(b) saw multiple officers who she could not describe hitting § 87(2)(b) with nightsticks. She also saw an officer who she could not describe grab and punch § 87(2)(b) who was attempting to approach a person being handcuffed. When § 87(2)(b) tried to pull § 87(2)(b) away from this officer, a Hispanic male officer, 6'2" tall, with black hair, muscular build, and 28 years old, and who was identified by the investigation as PO Amodeo, punched § 87(2)(b)'s face. § 87(2)(b) responded by punching PO Amodeo in his arm. PO Amodeo said, "Get the fuck out of here, you stupid rat bitch," or, "You little bitch," and § 87(2)(b) responded in kind. PO Amodeo grabbed her left arm, pulled her face-down to the ground, lifted her head, and slammed it repeatedly on the pavement. PO Amodeo repeatedly tightened her handcuffs. § 87(2)(b) was placed in a van with § 87(2)(b). PO Amodeo punched § 87(2)(b) in his face four times. PO Amodeo also told § 87(2)(b) and § 87(2)(b) "Shut the fuck up, you little bitch." § 87(2)(b) did not see this. § 87(2)(b) corroborated that PO Amodeo and two uniformed white male officers who remain unidentified brought § 87(2)(b) face-down to the ground, but said that this occurred

after § 87(2)(b) ignored orders to disperse and tried to go back into the building. § 87(2)(b) did not see this.

§ 87(2)(b) and § 87(2)(b) both said that when § 87(2)(b) exited the building, he saw that § 87(2)(b) was being arrested, became angry, approached, and asked the officers “why the fuck [they were] slamming” § 87(2)(b) and that a uniformed white male officer, 6’1” tall, with slim build, blue eyes, and in his 20s, who remains unidentified, pepper sprayed him. § 87(2)(b) did not see this.

§ 87(2)(b) said that after § 87(2)(b) was pepper sprayed, she and § 87(2)(b) took § 87(2)(b) across the street to wash his face. § 87(2)(b) said three uniformed officers who she could not otherwise describe ran towards § 87(2)(b) while § 87(2)(b) screamed, “Run after her!” An officer grabbed § 87(2)(b) by her purse, which fell to the ground. § 87(2)(b) did not know what happened to the purse. One of the officers who § 87(2)(b) again could not describe grabbed her from behind by placing his arm around her throat from behind for 10 or 20 minutes. § 87(2)(b) told officers, “What did I do? Stop grabbing me!” and fell forward onto her knees. § 87(2)(b) did not know if § 87(2)(b)’s breathing was restricted during this time. § 87(2)(b) did not see an officer pull her hair, or knee her in her stomach. § 87(2)(b) had difficulty in seeing what was going on. § 87(2)(b) saw § 87(2)(b) jump onto an officer, who then handcuffed her. Additional officers came and tried to hit § 87(2)(b) and her friends with nightsticks, though none of the blows made contact. § 87(2)(b) began running away. Four or five uniformed white male officers pursued her with their nightsticks and pepper spray drawn. § 87(2)(b) did not see what happened to § 87(2)(b) and § 87(2)(b) said he saw that a plainclothes officer tried to grab § 87(2)(b)’s arm and that when § 87(2)(b) pulled away, seven or eight other plainclothes officers grabbed her arms and brought her to the ground.

§ 87(2)(b) said that § 87(2)(b) was standing four to five inches from her and recording her arrest when an officer who she could not describe struck him in his ribs with a nightstick. § 87(2)(b) did not further see what happened to § 87(2)(b). § 87(2)(b) said that as she ran from the scene, she saw a uniformed Hispanic male officer slam § 87(2)(b) into a wall and strike his stomach and side with nightsticks. § 87(2)(b) was fighting with cops at this time. § 87(2)(b) continued running and did not further see what occurred. § 87(2)(b) said that while he watched the arrest of § 87(2)(b), officers who he could not describe told several civilians, “Get the fuck out of here. Go home.” § 87(2)(b) started running, as did § 87(2)(b). § 87(2)(b) came between officers and a person they were chasing and was then tackled to the ground and handcuffed. Though § 87(2)(b) saw approximately nine officers on scene with their nightsticks drawn, he never saw officers strike any civilian with them.

§ 87(2)(b) saw multiple officers push her acquaintance § 87(2)(b) to the ground. None of the civilians had any further contact information for § 87(2)(b).

§ 87(2)(b) was released from the 40th Precinct stationhouse with a summons for § 87(2)(b). Neither § 87(2)(b) nor § 87(2)(b) were arrested or issued summonses.

§ 87(2)(b) twice scheduled to provide an in-person statement on January 3 and 10, 2014, but missed both appointments without providing cancellation notice. § 87(2)(b) twice scheduled to provide an in-person statement on January 3 and 10, 2014, but missed both appointments without cancellation notice. § 87(2)(b) promised to contact the CCRB with his availability on January 10, 2014, but did not do so. Between January 8 and 13, 2014, two letters and an additional call were placed to § 87(2)(b) who to date has not contacted the CCRB to provide a statement.

Witness: § 87(2)(b)

Witness: § 87(2)(b)

- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is § 87(2)(b)'s friend.*
- *At the time of this incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is § 87(2)(b)'s acquaintance.*

CCRB Statements (encl. [3AL-AM; 3AX])

§ 87(2)(b) provided a telephone statement on October 29, 2013 and § 87(2)(b) provided one on December 20, 2013. § 87(2)(g)

Two uniformed black male officers, both of whom were about 6'0" tall, and who were identified by the investigation as PO Foster and PO Moss, responded to the apartment where the party was held. Both PO Foster and PO Moss entered the apartment. One of them – § 87(2)(b) could not tell which – discharged their pepper spray inside the apartment, causing § 87(2)(b) to cough. § 87(2)(b) never saw officers enter the apartment.

When § 87(2)(b) arrived downstairs, he saw 30 police officers with their nightsticks drawn. Four or five uniformed black male police officers struck § 87(2)(b) repeatedly on his face, ribs, and back, with their nightsticks. An officer whose name § 87(2)(b) read from his uniform as § 87(2)(b) pepper sprayed several civilians, none of whom § 87(2)(b) could identify. Other officers who § 87(2)(b) could not describe struck several civilians with nightsticks. As § 87(2)(b) walked away, he saw two uniformed police officers that he could not further describe slam § 87(2)(b) to the ground, while one to three plainclothes police officers who could not be further described tackled § 87(2)(b) to the ground. § 87(2)(b) said the scene was so chaotic that she could not tell what was going on, except that she saw unidentified officers slam § 87(2)(b) to the ground. A dark-skinned uniformed male officer with skinny build, who remains unidentified, discharged his pepper spray at her. Her vision was obscured and she could not see anything. She left scene without being issued a summons or arrested.

§ 87(2)(b) missed a scheduled appointment on November 8, 2013. Between October 23, 2014, and November 13, 2014, five calls and two letters were placed with § 87(2)(b). To date, he has not contacted the CCRB to reschedule an appointment. § 87(2)(b) twice scheduled to provide an in-person statement on January 3 and 8, 2014, but missed both appointments without cancellation notice.

Attempts to Contact Civilians

Between February 2, 2014, and April 9, 2014, five calls and two letters were sent to § 87(2)(b) who may be associated with the nickname § 87(2)(b). Although each time the undersigned reached his family, they said he no longer lived with them but were unable to provide other contact information for him. They indicated that they had passed on my messages to him. To date, § 87(2)(b) has not contacted the CCRB to provide an in-person statement.

Without a full name, contact information, or other identifying information, § 87(2)(b) and § 87(2)(b) could not be identified or contacted.

Without a full name or any contact information, § 87(2)(b) could not be identified. Two letters were sent to § 87(2)(b). Upon conducting field work on April 7, 2014, the resident of Apartment § 87(2)(b) who identified herself as § 87(2)(b), said she had no knowledge of this incident and knew no one named § 87(2)(b). PO Foster in his interview indicated that Apartment § 87(2)(b) was incorrect and that the party was actually held inside Apartment § 87(2)(b). Two letters were sent to Apartment § 87(2)(b) without result. Therefore an in-person statement could not be obtained from § 87(2)(b).

On September 8, 2014, the undersigned reached § 87(2)(b), who was listed on the EVENT report as calling 911 about a large, disorderly group of males fighting. § 87(2)(b) had no recollection of this incident. On November 5, 2014, the undersigned reached § 87(2)(b).

another individual listed on the EVENT report, though it was unclear how he was involved. § 87(2)(b) had no memory of calling 911 on this date and did not remember the incident except that he saw a group of teenagers outside of the train station on 149th Street and Southern Boulevard.

Upon receipt of IAB documents, the undersigned located a summons issued to § 87(2)(b) as a result of this incident. Attempts were made to contact her to determine whether she was a victim or witness in this incident. Upon attempting to contact a number located for her through Lexis Nexis, it was found to be incorrect. No other contact information was retrieved for § 87(2)(b).

NYPD Statements:

Subject Officer: PO RITCHIE BAEZ

Subject Officer: SGT. KANDOU WORLEY

- *At the time of this incident, PO Baez was § 87(2)(b) old. PO Baez is a Hispanic male, 5'8" tall, 200 pounds, with black hair and brown eyes.*
- *Sgt. Worley was § 87(2)(b) old at the time of this incident. Sgt. Worley is a black man, 6'2" tall, 195 pounds, with black hair and brown eyes.*
- *Sgt. Worley and PO Baez are officers of the 40th Precinct. On October 20, 2013, PO Baez was assigned to Beekman Auto with PO Oneil Smith in marked RMP 4929. PO Baez was scheduled to work from 11:15 p.m. on October 19, 2013, until 7:05 a.m. on October 20, 2013, but completed overtime for arrest processing until 12 p.m. Sgt. Worley worked from 7:20 p.m. on October 19 to 4:17 a.m. on October 20, 2013. Sgt. Worley was the Impact Supervisor with PO Eddy Calderon and PO Anthony Amodeo in marked van 8518. Both officers were uniformed.*

OLBS and Complaint Report (encl. [4A-E])

§ 87(2)(b) was arrested at the southeast corner of East 152nd Street and Westchester Avenue at 2:33 a.m. on October 20, 2013. § 87(2)(b) was recognized from a wanted poster for robbery. When PO Baez apprehended her, she punched him with a closed fist. PO Baez sustained an abrasion and pain to the right side of his face. § 87(2)(b) was in apparently normal condition. Sgt. Worley was on scene. Physical force was used to restrain, control, and remove § 87(2)(b).

Line of Duty Injury Report (encl. [4F])

The report was completed by Sgt. Worley. PO Baez reported that as he was assisting with a request for additional officers to Westchester Avenue and E. 152nd Street, an unknown female signaled to him that there was an unknown perpetrator on scene. PO Baez recognized the perpetrator, a female, who was wanted in a robbery, from a wanted poster. As PO Baez was attempting to arrest her, she punched PO Baez with a closed fist on the right side of his face. PO Baez had a scratch to the right side of his face and felt slight pain. He refused medical attention.

Criminal Court Complaint (encl. [4G-H])

On October 20, 2013, PO Baez testified that he observed § 87(2)(b) on the street and recognized her face from a poster depicting her as wanted for robbery. In his official uniform, he attempted to place § 87(2)(b) under arrest, whereupon § 87(2)(b) struck him in the face with a closed fist, causing substantial pain and an abrasion to his face. § 87(2)(b) twisted her body and arms to avoid being handcuffed.

Memo Books (encl. [4I-K; 4Q-S])

At 2:27 a.m., PO Baez noted a female in auto in regards to E. 152nd Street. At 3:32 a.m., he was present at the 40th Precinct stationhouse. At 3 a.m., PO Baez began arrest processing. At 2:05 a.m., Sgt. Worley responded to 152nd Street and Jackson Avenue in the Bronx. At 2:33 a.m., there were multiple arrests for § 87(2)(b). § 87(2)(b) a Hispanic female with star tattoos on her face, on an open complaint report for § 87(2)(b).

CCRB Statements (encl. [4L-P; 4T-W])

PO Baez was interviewed at the CCRB on May 29, 2014 and Sgt. Worley was interviewed on July 16, 2014. Their statements are consistent except where noted below. Both PO Baez and Sgt. Worley responded to a request for additional officers to 152nd Street and Westchester Avenue. PO Baez and PO Smith responded together. Sgt. Worley left from the stationhouse without waiting for PO Calderon or PO Amodeo, both of whom he did not remember seeing on scene. When PO Baez arrived, he stood next to Sgt. Worley beneath the train station and began conducting crowd control by telling civilians to disperse. There were approximately 50 civilians, all of whom appeared to be in their late teens to their twenties, obstructing traffic. Some of them were calm, while others were raised their voices. PO Baez did not see civilians fighting amongst themselves. There were numerous police officers. Neither PO Baez nor Sgt. Worley remembered seeing any plainclothes or female officers.

§ 87(2)(b), § 87(2)(f)
§ 87(2)(b) who stood approximately 20 feet southwest from PO Baez on Westchester Avenue. Sgt. Worley estimated § 87(2)(b) was standing 30 yards away. § 87(2)(b), § 87(2)(f)

PO Baez recognized § 87(2)(b)'s tattoos and face from a wanted poster that had been in the 40th Precinct stationhouse for a few months. Sgt. Worley had not seen this poster and had no knowledge of § 87(2)(b) prior to this incident. PO Baez did not remember if § 87(2)(b) appeared to be with any other civilians, citing the chaos of the crowd. At the time § 87(2)(b) pointed her out, PO Baez had an unobstructed view of § 87(2)(b).

PO Baez and Sgt. Worley, who was standing close enough to PO Baez to hear what § 87(2)(b) said, approached § 87(2)(b). Sgt. Worley said that he remained behind and spoke with § 87(2)(b) while PO Baez and a second, unidentified officer approached § 87(2)(b). PO Baez thought other officers followed him and Sgt. Worley, but he could not identify them or estimate their number. PO Baez did not know where his partner was at that time. PO Baez thought § 87(2)(b) noticed PO Baez approaching her, because she made eye contact with him and then turned and began walking southeast across 152nd Street. PO Baez walked quickly to catch up with § 87(2)(b). When he was within three feet of her, PO Baez said, "Stop." § 87(2)(b) turned and punched PO Baez on the right side of his face, causing an abrasion to his right cheek and pain. PO Baez did not grab § 87(2)(b) by her hair or by the strap of her purse, or see any officer do so. PO Baez did not remember her having a purse. Sgt. Worley said he saw § 87(2)(b) punch PO Baez and then ran to approach them. Sgt. Worley also said that § 87(2)(b) tried to run, but that PO Baez and other officers who he could not number or describe grabbed her by her arms.

Once § 87(2)(b) punched him, PO Baez grabbed her by one of her arms while Sgt. Worley grabbed her by her other arm. § 87(2)(b) began screaming, "I'm pregnant! I'm pregnant! Get off of me!" § 87(2)(b) swung her arms and attempted to shove her elbows backward against officers. She refused to comply with PO Baez's and Sgt. Worley's repeated orders to stop resisting and put her hands behind her back. PO Baez thought other officers may

have grabbed § 87(2)(b) as well, but he was not sure. Civilians gathered around the officers and began screaming, “She’s pregnant! Why are you doing that?” PO Baez thought some of these civilians were recording the incident on their cell phones. They were also cursing, though PO Baez remembered no specific phrases they used in cursing, as he was focused on handcuffing § 87(2)(b). PO Baez thought these civilians, whose number he could not estimate, came within a few feet of officers. PO Baez and Sgt. Worley did not remember if any of them physically interfered in § 87(2)(b)’s arrest or if any of them were eventually apprehended because they were focused on arresting § 87(2)(b).

PO Baez never brought § 87(2)(b) to the ground or saw an officer do so. At no point did § 87(2)(b) fall or otherwise come to be on the ground. PO Baez never knelt § 87(2)(b) in the stomach or saw any officer do so. PO Baez thought it took a minute or two to handcuff § 87(2)(b) while Sgt. Worley estimated that it took 20 seconds. PO Baez and Sgt. Worley both said that aside from ordering her to stop resisting and pulling her hands behind her back they took no other actions to handcuff her. Once she was handcuffed, PO Baez escorted her to his police vehicle. PO Baez did not remember if any other officer helped escort her to his police vehicle. § 87(2)(b) continued to scream as she was escorted to the police vehicle, but did not provide further physical resistance. PO Baez never slammed § 87(2)(b) against the side of the police vehicle, or saw an officer do so. PO Baez did not remember if he waited for his partner to drive her back to the stationhouse.

PO Baez at the stationhouse began conducting arrest processing. He did not remember seeing other individuals apprehended from the scene inside the stationhouse. § 87(2)(b) never complained of any injuries. During processing, PO Baez noticed that § 87(2)(b) had a bruise on her left forearm. PO Baez asked § 87(2)(b) about this injury. § 87(2)(b) said this injury was incurred § 87(2)(b), § 87(2)(f) earlier that week. PO Baez asked her if she wanted any treatment for it and § 87(2)(b) said she did not. PO Baez did not see any other injuries to § 87(2)(b). PO Baez did not remember if he documented her refusal of medical attention or not. § 87(2)(b) did not appear to be intoxicated. Sgt. Worley said that back at the stationhouse, he assumed the duties of the desk officer and made an entry about § 87(2)(b)’s arrest. While doing so, he noticed that § 87(2)(b) had a minor scratch on one of her arms though he did not remember which. Sgt. Worley did not know how the scratch was obtained and did not notice any other injuries. Sgt. Worley was unsure if she was even aware that she had a scratch because she never complained of it. When Sgt. Worley offered medical attention to her, she refused.

LOD paperwork was completed for PO Baez’s injury. PO Baez refused medical attention because he did not feel that his injury was serious. PO Baez did not remember there being an ambulance at the scene.

PO Baez denied participating in or witnessing the apprehension of any other civilian. He did not see any other civilian with injuries, or signs of having been pepper sprayed. PO Baez never discharged his pepper spray, struck a civilian with a nightstick, punched a civilian, kicked a civilian, or saw officers do so. PO Baez did not recognize the CCRB photograph of § 87(2)(b). PO Baez did not recall using or hearing any officer use profanity or threatening any civilian. PO Baez never entered § 87(2)(b) and never saw or otherwise became aware of officers entering an apartment at that location.

PO Baez and Sgt. Worley did not recognize § 87(2)(b)’s CCRB photograph. When questioned about the various other allegations, Sgt. Worley denied committing them or observing any officer do so.

Subject Officer: PO ARGENIS ROSADO

- *At the time of this incident, PO Rosado was § 87(2)(b) old. PO Rosado is a Hispanic male, 6’0” tall, 155 pounds, with black hair and brown eyes.*

- *PO Rosado is an officer of the 40th Precinct. On October 20, 2013, PO Rosado worked from 11:15 p.m. until 7:50 p.m. PO Rosado was assigned to patrol Sectors H, I, and J with PO Grater. PO Rosado was uniform and assigned to marked RMP 3338.*

Summons § 87(2)(b) (encl. [4AB-AC])

PO Rosado issued a summons to § 87(2)(b) for § 87(2)(b). At 151st Street and Westchester Avenue, PO Rosado observed § 87(2)(b) involved in a large fight of over 20 people. § 87(2)(b) refused orders to disperse and cursed at the police.

Memo Book (encl. [4X-AA])

At 2:27 a.m., PO Rosado transported one male from E. 152 Street and Westchester Avenue in regards to a call for additional units. C-summons issued § 87(2)(b) for § 87(2)(b) to § 87(2)(b) in regards to 10-85 at E. 152 and Westchester.

CCRB Statement (encl. [4AD-AG])

PO Rosado was interviewed at the CCRB on May 30, 2014. When PO Rosado received a request for additional officers to 152nd Street and Westchester Avenue, he was at a family job at § 87(2)(b). PO Rosado told PO Grater to go ahead to the scene while PO Rosado remained behind and completed a domestic incident report. When he finished, he walked the two blocks to 152nd Street and Westchester Avenue. Upon arrival, PO Rosado located his RMP, which was parked exactly at the corner of 152nd and Westchester, and put his completed paperwork away. PO Rosado did not see his partner again until after § 87(2)(b) had been apprehended. PO Rosado did not know what his partner did on scene.

By the time PO Rosado arrived, there were numerous officers and civilians on scene scattered in small groups all the way from Westchester Avenue and Forest Avenue to Westchester and Jackson Avenue. The civilians were screaming, cursing, and unruly. PO Rosado did not remember having any indication that the civilians on scene were intoxicated. PO Rosado heard officers telling people to disperse and to leave the scene. PO Rosado could not estimate how many police officers or police vehicles were on scene, or identify any other officers who responded. PO Rosado saw that there were two civilians who were already handcuffed and in the backseat of a marked police van together. PO Rosado estimated that this van was parked 10 feet from his RMP. PO Rosado could not describe these two civilians and did not remember how they behaved. There were several officers standing around that police van, none of whom PO Rosado could identify. PO Rosado never approached or entered § 87(2)(b).

PO Rosado suddenly heard a very loud commotion approximately 10 feet behind him. Aside from the screaming of multiple voices, PO Rosado could not remember what other sounds of commotion he heard. PO Rosado could not remember what the voices screamed. PO Rosado did not remember if the voices were male or female, or whether or not it was clear if the voices belonged to civilians or officers. PO Rosado turned to see what the source of the commotion was. By the time he turned, PO Rosado saw only that a male civilian, identified by the investigation as § 87(2)(b) was being chased down Jackson Avenue towards 151st Street by two uniformed male police officers who he could not describe or identify. PO Rosado believed that the male and these two officers may have been the source of the commotion because he heard the commotion and then shortly after saw § 87(2)(b) take off running. PO Rosado emphasized that the scene was disorderly and chaotic, and that there were numerous orders to disperse issued by numerous officers and that the entire crowd was refusing to move. PO Rosado never issued § 87(2)(b) any direct orders to disperse and did not know if the other officers did. PO Rosado never spoke to those two officers about what § 87(2)(b) did, or why they were chasing him. When the narrative section of the summons he issued to § 87(2)(b) was reviewed, PO Rosado explained

that while he never actually observed § 87(2)(b) physically fighting with officers or other civilians, he was with other civilians who were screaming and refusing orders.

PO Rosado also began running approximately five feet behind the two officers, who were almost immediately behind § 87(2)(b). PO Rosado did not issue any orders as he pursued § 87(2)(b) and he did not know if either of the two officers did. Other officers followed behind PO § 87(2)(b). PO Rosado could not identify or describe these officers.

§ 87(2)(b) managed to run approximately a half a block before the officers caught up to him in front the Met Supermarket of Jackson Avenue between E. 152nd Street and E. 151st Street. One of the two officers – PO Rosado did not know which – caught up to § 87(2)(b) first and grabbed him. PO Rosado did not remember where this officer grabbed § 87(2)(b) though he knew he grabbed him from behind. This officer and § 87(2)(b) fell to the ground. § 87(2)(b) fell face-down beneath the officer. PO Rosado assisted in handcuffing § 87(2)(b) as did approximately four to five other police officers who had been chasing him. PO Rosado squatted above § 87(2)(b) grabbed his arm, and pulled it behind his back. PO Rosado did not remember which arm he held. PO Rosado did not remember how the other officers positioned themselves around § 87(2)(b) or what part of him they held. It only took a few seconds to handcuff § 87(2)(b). PO Rosado did not remember if § 87(2)(b) spoke or provided any physical resistance. Once he was handcuffed, PO Rosado and the other officers ordered him to stand up. § 87(2)(b) managed to get one of his knees onto the ground. The officers then lifted him to stand by pulling his arms. PO Rosado did not hit § 87(2)(b) with a nightstick or other blunt object, and never saw any officer do so. PO Rosado never drew his nightstick and never saw any officer do so. PO Rosado never punched § 87(2)(b) or saw officers punch him. PO Rosado never kicked him, or saw any officer do so. PO Rosado never pressed his knee into the back of § 87(2)(b)'s neck while he was on the ground, or saw any officer do so. PO Rosado had no indication that § 87(2)(b)'s breathing was restricted at any point. PO Rosado never pushed § 87(2)(b) against a wall, or saw any officer do so. PO Rosado never deliberately brought him to the ground, or saw any officer do so. PO Rosado never saw any injuries to § 87(2)(b) and never heard him complain of being injured.

PO Rosado escorted him to his police vehicle because it was the closest. PO Rosado placed § 87(2)(b) in his police vehicle. He waited for his partner to return to the police vehicle before he transported § 87(2)(b) to the 40th Precinct stationhouse, where a supervisor instructed him to issue § 87(2)(b) a summons for § 87(2)(b). PO Rosado could not identify this supervisor. PO Rosado did not tell this supervisor what had occurred with § 87(2)(b) on scene. PO Rosado did not remember how long he waited for his partner to return, but he stayed in the police vehicle with § 87(2)(b) for the remainder of the incident.

PO Rosado denied witnessing or participating in the apprehension of any other civilian. PO Rosado did not recognize the wanted poster for § 87(2)(b). PO Rosado denied using physical force against any individual aside from § 87(2)(b) and did not use any other physical force against him aside from what he described. PO Rosado denied using profanity or threats during this incident or hearing any officer do so.

Witness Officer: SGT. ERIC BERRIOS

Witness Officer: PO CALIXTO FOSTER

Witness Officer: PO DENNIS MOSS

Witness Officer: PO JOHN ZORRILLA

- At the time of this incident, Sgt. Berrios was § 87(2)(b) old. Sgt. Berrios is a Hispanic male, 5'5" tall, 160 pounds, with brown hair and eyes.
- At the time of this incident, PO Foster was § 87(2)(b) old. PO Foster is a Hispanic male, 5'11" tall, 185 pounds, with black hair and brown eyes.

- *At the time of this incident, PO Moss was § 87(2)(b) old. PO Moss is a black male, 5'11" tall, 260 pounds, with black hair and brown eyes.*
- *At the time of this incident, PO Zorrilla was § 87(2)(b) old. PO Zorrilla is a Hispanic male, 5'10" tall, 170 pounds, with black hair and brown eyes.*
- *PO Foster, PO Moss, Sgt. Berrios, and PO Zorrilla are officers of PSA 7. On October 20, 2013, they worked from 11:15 p.m. until 7:50 a.m. All were uniformed. PO Foster and PO Moss were assigned to patrol Sectors D and F in marked vehicle 9048. Sgt. Berrios was the Patrol Supervisor and worked with PO Sarah McClure in marked RMP 9150. PO Zorrilla was assigned to patrol Sector F with PO Hubert Chrostowski in marked RMP 9022.*

Memo Books (encl. [4AH-AJ; 4AO-AR; 4AW-AY; 4BD-BF])

At 1:15 a.m., PO Foster responded to a precinct assignment at § 87(2)(b) for a 10-10 noise complaint. At 1:26 a.m., PO Foster was scratched by Sgt. Berrios. At 2 a.m., PO Foster noted that the noise complaint was in the § 87(2)(b). People were in the hallway and the party was out of control. PO Moss called for a 10-85. At 2:20 a.m., Sgt. Berrios at the scene. At 2 a.m., PO Moss noted that he responded to a request for additional officers to § 87(2)(b) for a loud, out-of-control party. Both resumed patrol at 2:40 a.m. At 1:50 a.m., PO Zorrilla responded to a request for additional officers and at 2:20 a.m. arrested § 87(2)(b), who was later released from the stationhouse with two summonses. Sgt. Berrios responded at 2:05 a.m. to a request for additional officers and resumed patrol at 2:50 a.m.

CCRB Statements (encl. [4AK-AN; 4AS-AV; 4AZ-BC; 4BG-4BJ])

PO Moss was interviewed at the CCRB on July 18, 2014. PO Foster was interviewed at the CCRB on July 24, 2014. Sgt. Berrios was interviewed on July 23, 2014. PO Zorrilla was interviewed on July 17, 2014. § 87(2)(g)

Neither PO Foster nor PO Moss remembered any details of the noise complaint, such as the type of noise or if there were multiple complaints or not. PO Foster said there was confusion about the location of the noise complaint. He heard loud music from outside the building, but it was coming from apartment § 87(2)(b), not § 87(2)(b), or § 87(2)(b) as was reported in the noise complaint. PO Foster did not speak with the person who filed the noise complaint and did not remember whether he went to apartment § 87(2)(b). PO Moss also said he heard music from outside the building, but he did not remember where it was coming from and said nothing about any confusion regarding the location of the complaint. Both officers said a female, identified by the investigation as § 87(2)(b), answered the door in response to their knocking. PO Foster estimated it took § 87(2)(b) 20 to 25 seconds to open the door, while PO Moss did not remember how long it took. Both PO Foster and PO Moss saw from outside the apartment a large crowd of people. PO Foster said he identified himself as a police officer, asked for the music to be turned down, and asked for the tenant of record. § 87(2)(b) shut the door without responding to PO Foster. PO Moss said he told § 87(2)(b) that there had been noise complaints and she would have to break up the party. He did not remember when the music was turned off, and though he remembered that § 87(2)(b) seemed irritated, he did not remember her shutting the door and thought civilians almost immediately began vacating the apartment. PO Foster said that once § 87(2)(b) closed the door, PO Moss requested a supervisor and additional units. As they stood waiting, the civilians began leaving the apartment. Both PO Moss and PO Foster denied entering the apartment and neither remembered seeing officers do so. Neither remembered what happened to § 87(2)(b) and reviewing the EVENT did not refresh their recollection. PO Moss and PO Foster went downstairs to facilitate the dispersal of the civilians. Both denied participating in or witnessing the

apprehension of any civilian. Both denied using profanity or threats, or hearing other officers do so.

Sgt. Berrios and PO Zorrilla both stood in the hallway conducting crowd control. Civilians were already leaving the building when they arrived. Both denied entering the apartment or see any officer do so. They never heard or used any threats or profanity. PO Zorrilla did not remember how long he stayed in the hallway before he went downstairs to conduct crowd control. One member of the crowd, § 87(2)(b), was yelling and attempting to push past officers to get back to § 87(2)(b) despite numerous orders to disperse. PO Zorrilla and Sgt. Berrios arrested him by pulling his arms behind his back. PO Zorrilla and Sgt. Berrios denied participating in or witnessing the apprehension of any civilian.

Witness Officer: SGT. RONALDY VENTURA

Witness Officer: PO EDWIN RIVERA

Witness Officer: PO ERICK REYES

Witness Officer: PO DOREYDA MUNOZ

- *At the time of this incident, Sgt. Ventura was § 87(2)(b) old. Sgt. Ventura is a Hispanic male, 5'10" tall, 170 pounds, with brown hair and eyes.*
- *At the time of this incident, PO Rivera was § 87(2)(b) old. PO Rivera is a Hispanic male, 6'0" tall, 220 pounds, with black hair and brown eyes.*
- *At the time of this incident, PO Reyes was § 87(2)(b) old. PO Reyes is a Hispanic man, 5'9" tall, 160 pounds, with black hair and brown eyes.*
- *At the time of this incident, PO Munoz was § 87(2)(b) old. PO Munoz is a Hispanic female, 5'3" tall, 137 pounds, with brown hair and eyes.*
- *Sgt. Ventura, PO Rivera, PO Reyes, and PO Munoz are officers of the 40th Precinct. On October 20, 2013, all worked from 11:15 p.m. until 7:50 a.m. except PO Reyes, who worked from 7:30 p.m. until 4:05 a.m. All were uniformed. Sgt. Ventura was the Patrol Supervisor and worked with PO Michael Soto in marked RMP 4676. PO Rivera was assigned to patrol Sectors D, E, and F with PO Boris Salamea in marked RMP 5326. PO Reyes was assigned to solo foot post 27. PO Munoz was the Sergeant Operator with PO Shawn Liriano but did not note or remember the Sergeant for whom she was the operator.*

Summons § 87(2)(b) (encl. [4BV-BW]) § 87(2)(b) (encl. [4CC])

PO Rivera observed § 87(2)(b) fighting in a large group. PO Reyes observed § 87(2)(b) § 87(2)(b) on a public sidewalk with the intent to cause disruption and gathered with others. When ordered to disperse § 87(2)(b) refused and remained at the location, causing a crowd to gather. § 87(2)(b) said, "Suck my dick. Fuck ya. Ya be getting shot at because of this."

Memo Books (encl. [4BK-BM; 4BR-BU; 4CD-CF; 4CK-CM])

Sgt. Ventura at 2:16 a.m. responded to a request for additional officers at 152nd Street and Westchester Avenue in the Bronx. At 2:30 a.m., one individual was arrested for § 87(2)(b) by Sector 9D and Impact had a few under. PO Rivera responded at 2:05 a.m. and at 2:39 a.m. arrested § 87(2)(b) who was later released from the stationhouse with a summons for § 87(2)(b). At 2:35 a.m., PO Reyes issued a summons to § 87(2)(b) for § 87(2)(b). PO Munoz had no memo book entries about this incident.

CCRB Statements (encl. [4BN-BQ; 4BX-CB; 4CG-CJ; 4CN-4CQ])

Sgt. Ventura was interviewed at the CCRB on May 30, 2014. PO Rivera was interviewed on May 22, 2014. PO Reyes was interviewed on May 23, 2014, and PO Munoz on September 3, 2014. When Sgt. Ventura responded to a request for additional officers to § 87(2)(b) he went to the hallway on the floor where the party had been held. Civilians were filing out of the apartment. Sgt. Ventura did not see any officers inside the apartment and never entered himself. Sgt. Ventura never used or heard profanity or threats. When it seemed as though the crowd of civilians emerging from the apartment was thinning, Sgt. Ventura went downstairs and began conducting crowd control by ordering civilians to disperse. Sgt. Ventura did not witness or participate in the apprehension of any civilian, but saw PO Baez holding § 87(2)(b) who was standing, already handcuffed, and did not appear to be injured. Sgt. Ventura denied using or witnessing officers use any of the physical force alleged.

When PO Rivera responded, he stayed outside § 87(2)(b). When § 87(2)(b) and § 87(2)(b) began fighting, PO Rivera grabbed § 87(2)(b) and fell with him onto the ground. Other officers assisted PO Rivera in handcuffing § 87(2)(b) who resisted by pulling his arms away. It took one minute to handcuff § 87(2)(b). When PO Rivera placed § 87(2)(b) in the backseat of his police vehicle, § 87(2)(b) kicked PO Salamea. PO Salamea held § 87(2)(b) by his legs and PO Rivera by his shoulders until they could place him in an RMP with a cage. PO Salamea later told PO Rivera that he did not want to charge him with assault and therefore § 87(2)(b) was released with a summons for § 87(2)(b). PO Rivera denied using force against § 87(2)(b) aside from pulling his arms backwards and never saw any officer use the physical force alleged.

When PO Reyes arrived in response to the request for additional officers, he conducted crowd control outside of the building. One female cursed, raised her voice, and refused repeated orders to leave the scene. PO Reyes did not use force to effect her arrest. PO Reyes denied knowledge of or participation in the apprehension of any other civilian. PO Munoz did not remember responding to this incident and had no notation of it in her memo book and attempts to refresh her recollection were not successful.

NYPD Documents

EVENT (encl. [5A-AB])

At 2:03 a.m., PSA 7 Sector D, identified by the investigation as PO Foster and PO Moss, requested additional units to § 87(2)(b) to disperse a loud party. At 2:04 a.m., PSA 7 Sergeant, identified by the investigation as Sgt. Berrios, arrived on scene. At 2:04 a.m., ESU noted they were en route. At 2:06 a.m., 40th Precinct Sergeant 1, identified by the investigation as Sgt. Ventura, arrived on scene. At 2:09 a.m., an individual requested EMS to respond to the location for an AIDED female in apartment § 87(2)(b) who was pepper sprayed to her face. It is unclear from the EVENT who requested it, though § 87(2)(b)'s name is listed above it. There is no ani-ali number listed and it does not indicate whether it was a police officer or otherwise. At 2:12 a.m., an ambulance was dispatched. At 2:14 a.m., ESU cancelled the job and the dispatcher told units to slow it down to the location because a large crowd at 152nd Street and Westchester Avenue was dispersing. At 2:16 a.m., 40th Precinct Sector D, identified by the investigation as PO Rivera and PO Salamea, had one under. At 2:16 a.m., § 87(2)(b) called and was forwarded to IAB. At 2:18 a.m., EMS asks if the AIDED female is still at § 87(2)(b). At 2:21 a.m., PSA 7 Sector F, identified by the investigation as PO Zorrilla and PO Chrostowski, had one under, and a 40th Precinct Sergeant, identified by the investigation as Sgt. Worley, reported two under. Open designation 4, identified by the investigation as PO Baez, had one female to the stationhouse. At 2:27 a.m., PO Vandross of IAB requested that a patrol supervisor be sent to the location. The patrol supervisor at 2:32 a.m. informed the dispatcher that

all MOS were accounted for and there were no injuries. At 2:58 a.m., § 87(2)(b) called to report a group of 20 black males fighting at the corner of a gas station.

Noise Complaint Reports and Log (encl. 5AC-AG)

At 1:16 a.m. on October 20, 2013, § 87(2)(b) filed a noise complaint regarding Apartment § 87(2)(b) at § 87(2)(b). § 87(2)(b) complained that her upstairs neighbor was constantly banging and pounding on her ceiling, creating noise. The unit that responded was 9048, which corresponds to the vehicle PO Foster and PO Moss were operating. The disposition was listed as a non-crime corrected and that officers took action to fix the condition. The complaint log shows that at 2:35 a.m., a second noise complaint regarding Apartment § 87(2)(b) was filed by an anonymous caller, whose disposition was also listed as non-crime corrected. The command did not return any corresponding report for this log, but it lists unit 9048 as responding.

Attempts to Locate AIDED Report (encl. [11Q])

No AIDED reports could be found that were prepared with regard to a female named § 87(2)(b) or any civilians who were treated in the vicinity of § 87(2)(b) or E. 152nd Street and Westchester Avenue. Only the AIDED report prepared for PO Baez could be found (encl. [5AH-AL]).

Attempts to Obtain Video Footage (encl. [11C])

Due to initial confusion about the location address, video footage could not be requested from PSA 7 until December 23, 2013, approximately two months after the incident. The request was returned with a note indicating that as per NYCHA's Safety and Security Officer for § 87(2)(b) video footage from that location is expunged after 14 days.

ESU Report (encl. [5AM-AN])

At 2:04 a.m., ESU was requested to respond to a 10-13, or to assist police officers, at § 87(2)(b). No apartment was specified. The details section note that the request was cancelled by patrol at 2:15 a.m.

Arrest and Criminal Court Complaint for Complaint #§ 87(2)(b) (encl. [5AQ-AV])

The arrest report was completed by Det. David Rodriguez of the 40th Precinct Detective Squad at 9:15 p.m. on October 20, 2013, inside the 40th Precinct Detective Squad stationhouse. § 87(2)(b) acted in concert with other apprehended perpetrators to cut, punch, and kick the victim and remove property from her. § 87(2)(b) was in apparently normal condition.

Wanted Poster #§ 87(2)(b) for Case #§ 87(2)(b) (encl. [5API])

The wanted poster for § 87(2)(b) notes that there is probable cause to arrest her for a § 87(2)(b) in concert with other females, approached the victim, punched her, kicked her, and used a sharp object to cause physical injury. A color photograph of § 87(2)(b) is included. She is described as a white Hispanic female, § 87(2)(b) old age, 5'2" tall, 140 pounds, with brown hair and eyes, with star tattoos on her cheek.

DD5s for Case #§ 87(2)(b) (encl. [5AW-5BN])

The DD5s for Case § 87(2)(b) against § 87(2)(b) note that her wanted poster was issued on August 12, 2013.

Summonses and Memo Books of Officers Not Interviewed (encl. [5BO-COI])

§ 87(2)(b) and § 87(2)(b) were both issued a summons by PO Anthony Amodeo of Patrol Borough Bronx for § 87(2)(b). PO Amodeo observed both of them on a public sidewalk in front of § 87(2)(b) fighting in a violent manner and causing a crowd to gather. PO Kevin Winters of Patrol Borough Bronx issued a summons to § 87(2)(b) for § 87(2)(b). PO Winters observed her using profane language on a public sidewalk at E.152nd Street and Westchester Avenue causing public alarm and a crowd to gather. The statements attributed to her included, “Fuck you, suck my fucking dick.”

Arrest Photograph and Command Log (encl. [5AO; 5CZ])

The arrest photograph for § 87(2)(b) depicts no injuries and the command log notes she was in apparently normal condition.

Property Voucher (encl. [11E])

The 40th Precinct could not locate a property voucher pertaining to § 87(2)(b)'s arrest.

Other Evidence

Results of Field Work (encl. [7A])

On April 7, 2014, the undersigned visited § 87(2)(b) in an attempt to locate the residents of apartment § 87(2)(b). Upon visiting apartment § 87(2)(b) the female resident, who identified herself as § 87(2)(b), said she had no knowledge of this incident and knew no one named § 87(2)(b). The undersigned also visited the Kennedy Fried Chicken located at the southeast corner of E. 152nd Street and Westchester Avenue. The manager said there are no cameras at that location, that he had no knowledge of this incident, and that he did not know which employees would have been working at the time. The undersigned provided contact information for the CCRB and requested that he have any employees with knowledge of the incident contact the undersigned. To date, no one has contacted the CCRB.

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [REDACTED]
[REDACTED]

Status of Civil Proceedings

- A Notice of Claim request was submitted to the Comptroller's Office on October 22, 2014, and will be added to the case file upon receipt (encl. [8A]).

Civilians Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. [2D-E]).

Subject Officers CCRB History

- Sgt. Worley has been a member of the service for 7 years and there are no substantiated CCRB allegations against him (encl. [2A]).
- PO Baez has been a member of the service for 10 years and there is one substantiated CCRB allegation against him (encl. [2B]).
 - In case 200604236, an allegation of question and/or stop was substantiated. Charges were recommended and no disciplinary action was taken.
- PO Argenis Rosado has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl. [2C]).

Conclusion

Identification of Subject Officers

§ 87(2)(b) alleged that she was initially grabbed by her hair and purse by a plainclothes police officer, who she acknowledged pushing because she did not know he was a police officer.

§ 87(2)(g)

PO Baez and Sgt. Worley acknowledged participating in § 87(2)(b)'s apprehension. § 87(2)(b) also alleged that a uniformed Hispanic female officer participated in her apprehension. Based upon the assignments of the three uniformed female officers of the 40th Precinct who were working during this tour, PO Munoz was interviewed, but she had no recollection of responding to this incident. There was only one female from PSA 7 who was working during Tour 3 but as a black female she did not match the description. § 87(2)(g)

§ 87(2)(b) could not describe any of the seven officers who pursued him except as six uniformed white males and one uniformed black male. § 87(2)(b) could not tell which of these officers, or how many of them, punched him or struck him with nightsticks. He could not describe them in part due to his poor memory of the incident and in part because the struggle was so chaotic. § 87(2)(b) saw a uniformed Hispanic male and a uniformed white male using physical force against § 87(2)(b) but could not further describe them. None of the other civilians who witnessed § 87(2)(b)'s apprehension could describe the officers. PO Rosado acknowledged that there were at least four or five police officers apprehending § 87(2)(b) but he could not describe or identify them. All other officers interviewed denied participating in the apprehension of § 87(2)(b). There were numerous uniformed male police officers of white, black, and Hispanic descent on scene from two different commands. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Ritchie Baez used physical force against § 87(2)(b)

Kandou Worley used physical force against § 87(2)(b)

used physical force against § 87(2)(b)

§ 87(2)(b) alleged that as she walked with § 87(2)(b) a plainclothes officer grabbed her hair

and purse. § 87(2)(b) thought she was being robbed and pushed the officer away on his chest.

Officers grabbed § 87(2)(b) by her arms and kned her in the abdomen, and brought her face-

down to the ground causing bruising and vaginal bleeding. § 87(2)(b) held her hands to her

belly and refused to move them as officers tried to pull them behind her back. § 87(2)(b) s

friends attempted to interfere physically in her arrest. § 87(2)(b) never sought medical

In his telephone statement § 87(2)(b) said he did not see how § 87(2)(b) was

apprehended, but in his in-person statement said he saw two uniformed police officers handcuff

her without ever bringing her to the ground, kneeling her, or pulling her hair. § 87(2)(b) said that

she saw § 87(2)(b) throw her purse to the ground before punching PO Baez, and that she was

never kneed, pulled by her hair, or brought to the ground. § 87(2)(b) and § 87(2)(b) only saw that

multiple officers whom they could not describe brought § 87(2)(b) front-first to the ground. § 87(2)(b)

§ 87(2)(b) saw that when § 87(2)(b) pulled away from an officer in response to being grabbed,

multiple officers then brought her to the ground. § 87(2)(b) saw an officer grab § 87(2)(b) by

her purse, which fell to the ground. § 87(2)(b) fell onto her knees. § 87(2)(b) did not see an

officer knee her or pull her hair.

PO Baez and Sgt. Worley acknowledged apprehending § 87(2)(b) PO Baez and Sgt.

Worley said that upon approaching § 87(2)(b) who had ample opportunity to see that he was a

police officer, she punched him in his eye. PO Baez and Sgt. Worley grabbed her arms. § 87(2)(b)

§ 87(2)(b) struggled by shoving her elbows backwards and pulling her arms away from the officers.

§ 87(2)(b) was never kneed, pulled by her hair, or brought to the ground. Her friends also attempted to interfere by coming close to the officers and screaming, “She’s pregnant!” All other officers interviewed denied apprehending § 87(2)(b) or witnessing her apprehension. During arrest processing, PO Baez noticed that § 87(2)(b) had a bruise on one of her forearms. He did not otherwise observe injuries to her. § 87(2)(b) told PO Baez that this injury had been incurred from a fight with her boyfriend and that she did not want medical treatment. PO Baez did not remember if any documentation of this refusal was prepared. PO Baez’s statement was closely corroborated by that of Sgt. Worley.

Officers are required to use the minimum force necessary to overcome resistance and effect an arrest. Patrol Guide Section 203-11 (encl. [1A-B])

§ 87(2)(g)

Allegation D – Discourtesy: At the intersection of 152nd Street and Westchester Avenue in the Bronx, officers spoke rudely to individuals.

§ 87(2)(b) alleged that multiple police officers, none of whom he could describe, said, “Shut the fuck up,” “Get the fuck out,” and, “You gotta get the fuck back,” to unidentified civilians while § 87(2)(b) was being arrested.

All officers interviewed either denied using profanity and hearing profanity used, or did not remember hearing or using profanity during this incident.

§ 87(2)(g)

Harsh or profane language, when used in an effort to gain compliance from a resisting subject or during a stressful street encounter, does not represent misconduct. Police Department v. White, OATH Index #78667/03 (encl. [1C-F])

§ 87(2)(g)

Allegation E – Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, PO Argenis Rosado used physical force against § 87(2)(b)

§ 87(2)(b) said that while he was in front of Kennedy Fried Chicken, approximately seven uniformed police officers, all of whom were white men except one black male, and who he

could not further describe, chased him. § 87(2)(b) said he did not know why he was chased, but thought it may have been because he was standing near someone who said something to the officers. § 87(2)(b) stopped running of his own accord, at which time the officers punched him repeatedly in his stomach. § 87(2)(b) could not tell which of the seven officers did so, or how many of them. § 87(2)(b) felt blows from a blunt object to his knees. He could not tell which officers did so, or how many. He referred to the object as a nightstick, though he did not actually see it. § 87(2)(b) in his in-person statement said he collapsed onto the ground, but in his telephone statement said he was brought face-down on the ground. The officers again struck him with nightsticks on his ribs. § 87(2)(b) denied resisting, but yelled, “Why are you doing this?” § 87(2)(b) sustained swelling and bruises to his ribs and stomach from the punches and nightstick blows, and scrapes to his knees, hands, and wrists from falling to the ground. § 87(2)(b) did not seek medical attention for his injuries and did not take pictures of them. § 87(2)(b) said that § 87(2)(b) may have come in between the officers and another individual they were chasing. The officers tackled § 87(2)(b) to the ground and handcuffed him, though he could not describe the officers who did so. § 87(2)(b) saw a uniformed Hispanic male officer push § 87(2)(b) into a wall. Other officers who she could not describe also struck him with nightsticks on his stomach and ribs. § 87(2)(b) noted that § 87(2)(b) was fighting with the officers, though she did not describe further how. § 87(2)(b) said that § 87(2)(b) had been filming her arrest at the time he was apprehended, and that she saw an officer that she could not describe strike him in his ribs with a nightstick. She did not further see what occurred.

PO Rosado said he heard a commotion behind him while at 152nd Street and Westchester Avenue. He saw two uniformed male police officers, neither of whom he could identify or further describe, chasing § 87(2)(b). PO Rosado also chased § 87(2)(b). PO Rosado saw one of these officers grab § 87(2)(b) though he did not see how he grabbed him. The officer and § 87(2)(b) fell onto the floor. Four or five uniformed officers, including PO Rosado, assisted in handcuffing him. PO Rosado held one of § 87(2)(b)'s arms and pulled it behind his back. PO Rosado did not remember if § 87(2)(b) resisted his arrest. PO Rosado did not punch § 87(2)(b) or hit him with his nightstick, or any other blunt object. PO Rosado did not see any officer do so.

§ 87(2)(g)

Allegation F – Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, officers hit § 87(2)(b) with their nightsticks.

Allegation G – Force: At the intersection of 152nd Street and Jackson Avenue in the Bronx, officers used physical force against § 87(2)(b)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date